

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MAXIE A. MOORE,

Defendant.

Case Nos. CR99-5534RBL  
CR01-5089RBL  
C08-5068RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Defendant's Motion Pursuant to 28 U.S.C. §2255. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

The defendant has filed a §2255 motion challenging his 2001 conviction for fraud and failure to appear. The record reflects that this is a second or successive §2255 motion. See C03-5292JET. This Court is without jurisdiction to consider a second or successive motion unless the United States Court of Appeals for the Ninth Circuit so certifies. The record contains no such certification. Accordingly, this motion is **DISMISSED** without prejudice to allow defendant to seek certification from the Ninth Circuit.

1 **IT IS SO ORDERED.**

2 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing  
3 pro se.

4 Dated this 28<sup>th</sup> day of February, 2008.

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6 RONALD B. LEIGHTON  
7 UNITED STATES DISTRICT JUDGE  
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